



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,319	11/19/2001	Kazuya Ozaki	F-11800	8441

7590 09/14/2004
McGinn & Gibb, PLLC
Suite 200
8321 Old Courthouse Road
Vienna, VA 22182-3817

EXAMINER

PHAM, TUAN

ART UNIT PAPER NUMBER

2643

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,319

Examiner

TUAN A PHAM

Applicant(s)

OZAKI, KAZUYA

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/19/01, 04/14/03, 8/16/04
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kfoury (U.S. Patent No.: 6,549,789).

Regarding claim 1, Kfoury teaches an opening/closing type portable information terminal equipped with a display portion housing having a display portion (see figure 2, display portion housing 204, display 212, col.4, ln.33-51) and an operating portion housing having an operating portion (see figure 2, operating portion housing 202, operation portion 208, col.4, ln.33-51), characterized in that an end portion of the display portion housing is linked to an end portion of the operating portion housing by a

Art Unit: 2643

rotating mechanism (see figure 2, swivel hinge 214, col.4, ln.52-65) under the state that the face of the display portion of the display portion housing is maintained to orient in the same side as the face of the operating portion of the operating portion housing so that the display portion housing is rotatable relative to the operating portion housing around the rotational axis of the rotating mechanism (see figure 8, figure 12, figure 13, col.5, ln.13-67, col.6, ln.1-31).

Regarding claim 2, Kfoury further teaches the opening/closing type portable information terminal wherein the rotating mechanism comprises a link member that is designed in the form of a cylinder having a cavity portion therein and provided with guide portions projecting outwardly at the upper and lower portions thereof, and the upper and lower guide portions are embedded in the display portion housing and the operating portion housing while pressed against the display portion housing and the operating portion housing (see figure 3, col.4, ln.52-65).

Regarding claim 3, Kfoury further teaches the opening/closing type portable information terminal wherein a communication cable for electrically connecting circuits located in the display portion housing to circuits located in the operating portion housing passes through the cavity portion of the rotating mechanism (see figure 3, figure 4, col.4, ln.66-67, col.5, ln.1-11).

Regarding claim 4, Kfoury further teaches the opening/closing type portable information terminal wherein the rotating mechanism is disposed while inclined with respect to the face of the operating portion, and a predetermined angle is kept between the face of the display portion and the face of the operating portion under the state that

the display portion housing and the operating portion housing are opened (see figure 2, col.4, ln.33-65).

Regarding claim 5, Kfoury further teaches the opening/closing type portable information terminal wherein one of the upper and lower guide portions of the link member are fixed to any one of the display portion housing and the operating portion housing (see figure 2, figure 3, col.4, ln.33-65).

Regarding claim 6, Kfoury further teaches the opening/closing type portable information terminal wherein a spring is provided around the rotating mechanism to press the display portion housing and the operating portion housing outwardly (see figure 8, col.6, ln.1-31).

Regarding claim 7, Kfoury further teaches the opening/closing type portable information terminal wherein the display portion housing is provided with operating keys, which are operable under the state that the display portion housing and the operating portion housing are closed (see figure 12, col.6, ln.1-44).

Regarding claim 8, Kfoury teaches an opening/closing type portable information terminal (see figure 2), comprising:

a display portion housing having a display portion (see figure 2, display portion housing 204, display 212, col.4, ln.33-51);

an operating portion housing having an operating portion (see figure 2, operating portion housing 202, operation portion 208, col.4, ln.33-51); and

a mechanism for rotating the display portion housing relative to the operating portion housing between a closed state in which the display portion housing is disposed

so as to cover the operating portion and an open state in which the display portion housing is disposed so as not to cover the operating portion (see figure 2, swivel hinge 214, col.4, ln.33-65), wherein an end portion of the display portion housing and an end portion of the operating portion housing are rotatably connected to each other by the mechanism for rotating in such a manner that a face of the display portion is oriented in the same side as a face of the operating portion at both the closed state and the open state (see figure 8, figure 12, figure 13, col.5, ln.13-67, col.6, ln.1-31).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Kubo et al. (U.S. Patent No. 6,748,243), Kumagai et al. (U.S. Patent No. 6,731,959), Narayanaswamy et al. (U.S. Patent No. 6,144,358), and Gray (U.S. Patent No. 5,485,517) are not applied into this Office Action; they are also called to Applicants attention. They may be used in future Office Action(s). These references are also concerned for supporting the system and method for folding portable telephone and multi-display electronic device having open and closed configurations.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (703) 305-4987. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (703) 305-4708 and

IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

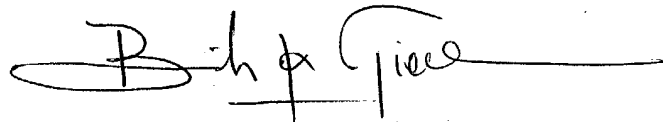
Or faxed to: (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2643
September 9, 2004
Examiner

Tuan Pham

A handwritten signature in black ink, appearing to read "Binh Tieu", with a long horizontal line extending to the right.

BINH TIEU
PRIMARY EXAMINER